

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

In re: ) Chapter 11  
 )  
HOME BUILDERS ASSOCIATION ) Case No. 09-44080  
OF GREATER CHICAGO )  
(Tin: 23-7260523) ) Hon. Susan Pierson Sonderby  
 )  
Debtor. ) Hearing Date: February 24, 2010  
 ) Hearing Time: 10:00 a.m.

**NOTICE OF DEBTOR'S MOTION TO CONDITIONALLY APPROVE  
DISCLOSURE STATEMENT, TO SCHEDULE HEARING ON  
CONFIRMATION OF PLAN TO APPROVE NOTICE PROCEDURES,  
AND TO ESTABLISH PROCEDURES FOR BALLOTING**

**To: Parties on Attached Service List:**

PLEASE TAKE NOTICE, that on Wednesday, February 24, 2010, at 10:00 a.m., or as soon thereafter as counsel may be heard, the undersigned intends to appear before the Honorable Susan Pierson Sonderby, United States Bankruptcy Judge for the Northern District of Illinois, Eastern Division, in Courtroom 642 of the Everett McKinley Dirksen Federal Building, which is located at 219 S. Dearborn Street, Chicago, Illinois, 60604, and at that time and place, intends to present the attached Debtor's Motion To Conditionally Approve Disclosure Statement, To Schedule Hearing On Confirmation Of Plan, To Approve Notice Procedures, and To Establish Procedures For Balloting.

Respectfully submitted,

HOME BUILDERS ASSOCIATION OF  
GREATER CHICAGO

By: /s/ William J. Factor  
One of Its Attorneys

William J. Factor (6205675)  
Sara E. Lorber (6229740)  
**THE LAW OFFICE OF**  
**WILLIAM J. FACTOR, LTD.**  
1363 Shermer Road, Suite 224  
Northbrook, IL 60062  
Tel: (847) 239-7248  
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Email: wfactor@wfactorlaw.com  
[slorber@wfactorlaw.com](mailto:slorber@wfactorlaw.com)

**CERTIFICATE OF SERVICE**

I, William J. Factor, an attorney, hereby certify that, on February 17, 2010, pursuant to Section II, B, 4 of the Administrative Procedures for the Case Management/Electronic Case Filing System and Fed.R.Civ.P. 5(a), I caused a copy of the foregoing *Notice of Motion* and Debtor's Motion To Conditionally Approve Disclosure Statement, To Schedule Hearing On Confirmation Of Plan, To Approve Notice Procedures, and To Establish Procedures For Balloting to be served (1) electronically through the Court's Electronic Notice for Registrants on all persons identified as Registrants on the appended Service List, and (2) by U.S. Mail, through a third-party authorized notice provided (BK Attorney Services, LLC), to those other parties identified on the attached Service List.

/s/ William J. Factor \_\_\_\_\_

**SERVICE LIST**

**Registrants in the Case**  
**(Service through ECF)**

William T. Neary [USTPRegion11.ES.ECF@usdoj.gov](mailto:USTPRegion11.ES.ECF@usdoj.gov)

Susan J. Notarius snotarius@kandpllc.com, jmccomb@kandpllc.com

**Twenty Largest Unsecured Creditors**  
**(Service by U.S. Mail)**

Village of Addison  
1 One Friendship Plaza  
Addison, Illinois 60101-2787

Tracy Hill  
145 Adare Drive  
Cary, Illinois 60013-1695

Donald E. Stephens Convention Center  
5555 N. River Road  
Des Plaines, Illinois 60018

Brian Keith Advertising  
Attn: Gary Davis  
1211 W. 22nd Street, # 610  
Oak Brook, Illinois 60523

Marriott Hotels and Resorts Schaumburg  
Convention Center  
1551 North Thoreau Drive  
Schaumburg, Illinois 60173

Marvin Windows and Doors  
Attn: Dominique Cook  
2020 Silver Bell Road, Suite 15  
Eagan, Minnesota 55122

Awards International  
119 N. Northwest Highway  
Palatine, Illinois 60067  
Stock Building Supply

Attn: Mike Rauchak  
1331 Davis Road  
Elgin, Illinois 60123

Chicago Tribune  
435 N. Michigan Avenue  
Chicago, Illinois 60611

James Hardie Building Products  
Attn: Nicole Banda  
26300 La Alameda  
Mission Viejo, California 92691

Anderson Windows Inc.  
Attn: Joe Simons  
1700 Downs Drive  
West Chicago, Illinois 60185

Drury Lane  
100 Drury Lane  
Oakbrook Terrace, Illinois 60181

Strategy Planning Associates, Inc  
Attn: Steve Hovany  
1100 E. Woodfield Road, # 108  
Schaumburg, Illinois 60173

The Mallard Press, Inc.  
335 Eisenhower Lane South  
Lombard, Illinois 60148

Lakeland Building Supply  
Attn: Gregory Olesiak  
PO Box 450  
1600 Delany Road  
Gurnee, Illinois 60031-0450

Verizon Wireless  
12 Barharbor Court  
Lake in the Hills, Illinois 60156

LP Building Products  
Attn: Wayne Bialka  
20215 S. Rosewood Drive  
Frankfort, Illinois 60423

Moen, Inc.  
Attn: Chris Wulf  
310 Cardiff Drive  
Algonquin, Illinois 60102

Riegsecker Cabinet Company  
100 S VanBuren Drive  
Shipshewana, IN 46565  
Attn: Dana Martin

Leviton MFG CO, Inc  
59-25 Little Neck Parkway  
Little Neck, NY 11362  
Attn: Charlotte Nash

Amcore Bank  
c/o Susan Notarius  
Kluever & Platt  
65 East Wacker Place,  
Suite 2300  
Chicago, Illinois 60601

Crystal Lake Bank  
70 N. Williams  
Crystal Lake, IL 60014

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DISCLOSURE STATEMENT, TO SCHEDULE HEARING ON  
CONFIRMATION OF PLAN, TO APPROVE NOTICE PROCEDURES,  
AND TO ESTABLISH PROCEDURES FOR BALLOTING**

The Home Builders Association of Greater Chicago ("HBAGC" or "Debtor"), as debtor and debtor in possession in the captioned proceeding, respectfully requests that the Court enter an Order in the form of that appended hereto that (a) conditionally approves the Disclosure Statement appended hereto as Exhibit 1, (b) schedules a hearing to consider final approval of the Disclosure Statement and confirmation of the Plan, (c) establishes procedures for soliciting votes on the Plan, and (d) fixes other dates and processes relevant to the confirmation of the Plan. In support of such relief, HBAGC states as follows.

**INTRODUCTION**

1. By this Motion, HBAGC seeks to commence the process of confirming its reorganization plan and emerging from bankruptcy. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding within the meaning of 28 U.S.C. § 157 (b)(2). Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

2. The statutory predicates for the relief sought herein are Sections 105, 502, 1125 and 1126 of Title 11 of the United States Code, as amended (the "Bankruptcy Code"), Rules 2002, and

3003, 3017, 3018, 3020 and 9008 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rules 3017-1, 3018-1 and 9077-1 of the Bankruptcy Court for the Northern District of Illinois (the "Local Rules").

**THE COURT SHOULD APPROVE THE DISCLOSURE STATEMENT**

3. Section 1125(f) of the Bankruptcy Code specifies the procedures for approving a disclosure statement in a small business case like this one. In pertinent part, it provides that:

(f) Notwithstanding subsection (b), in a small business case—

(1) the court may determine that the plan itself provides adequate information and that a separate disclosure statement is not necessary;

(2) the court may approve a disclosure statement submitted on standard forms approved by the court or adopted under section [2075](#) of title [28](#); and

(3)(A) the court may conditionally approve a disclosure statement subject to final approval after notice and a hearing;

(B) acceptances and rejections of a plan may be solicited based on a conditionally approved disclosure statement if the debtor provides adequate information to each holder of a claim or interest that is solicited, but a conditionally approved disclosure statement shall be mailed not later than 25 days before the date of the hearing on confirmation of the plan; and

(C) the hearing on the disclosure statement may be combined with the hearing on confirmation of a plan.

4. Thus, under Section 1125(f), a small business debtor can obtain conditional approval for a disclosure statement to enable the debtor to combine the hearing on the confirmation of a plan with the hearing to approve the disclosure statement.

5. Accordingly, the Debtor requests that the Court conditionally approve the Disclosure Statement as containing adequate information within the meaning of Section 1125 of the Bankruptcy

Code for purposes of permitting the Debtor to commence soliciting acceptances and rejections of the Plan according to the schedule set forth herein.<sup>1</sup> Not only does the Disclosure Statement contain adequate information about the Debtor and its reorganization, but, as set forth in Section 1125(f)(2), the Disclosure Statement is based upon Official Form B25B.

6. The Debtor also request that the Court grant final approval of the Disclosure Statement at the Combined Hearing (as defined below) and determine that it provides adequate information within the meaning of Section 1125 of the Bankruptcy Code.

### **SOLICITATION PROCEDURES**

7. Provided the Court conditionally approves the Disclosure Statement, the Debtor proposes to transmit solicitation packages by first class mail by March 1, 2010 (the "Solicitation Date"), to all parties in interest, including all holders of equity interests, all persons who have filed proofs of claim in the case, all persons who have requested special notice in the case pursuant to Rule 2002 of the Bankruptcy Rules, the Internal Revenue Service, the Illinois Department of Revenue, all persons or entities listed in the Debtor's schedules, and all other known creditors of the Debtor.

8. Bankruptcy Rule 3017(c) provides that, on or before approval of a disclosure statement, the court shall fix a time within which the holders of claims or equity security interests may accept or reject a plan. The Debtor anticipates commencing the solicitation period on or before March 1, 2010.

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<sup>1</sup> Section 1125 of the Bankruptcy Code also defines "adequate information," as information of a type "as far as is reasonably practicable in light of the nature and history of the debtor and the condition of the debtor's books and records," to enable parties in interest, who are typical of the parties to be solicited in connection with the plan, to "make an informed judgment about the plan." 11 U.S.C. § 1125(a)(1).

Based on this schedule, the Debtor propose that in order to be counted as a vote to accept or reject the Plan, a ballot must be properly executed, completed and delivered so that such Ballot is received no later than 5:00 p.m. on March 25, 2010 (the "Voting Deadline"), at the following address:

William J. Factor  
The Law Office of William J. Factor, Ltd.  
1363 Shermer Road, Suite 224  
Northbrook, IL 60062  
(wfactor@wfactorlaw.com)  
847-574-8233 (f)

9. The Voting Deadline is at least 25 days after the proposed commencement of the solicitation period and thus complies with Bankruptcy Rule 2002(b) and Section 1125(f)(3)(B). This solicitation period should be a sufficient period within which creditors can make an informed decision to accept or reject the Plan.

### **OBJECTION DEADLINES**

10. Bankruptcy Rules 3017(a) and 3020(b) provide that objections to the approval of a disclosure statement and confirmation of a proposed plan, respectively, must be filed with the Bankruptcy Court and served on the debtor, the trustee, any committee appointed under the Bankruptcy Code and on any other entity specified by the Bankruptcy Court, within a time fixed by the Bankruptcy Court.

11. To comply with the solicitation schedule described herein, and to permit parties in interest and the Debtor adequate time to respond to objections prior to the Combined Hearing, the Debtor proposes that a date be fixed by the Court as the last date for filing and serving written objections ("Objections") to final approval of the Disclosure Statement and confirmation of the Plan and any responses thereto ("Objection Responses").

12. Specifically, the Debtor proposes that Objections be due on or before March 25, 2010, with any Objection Responses due on March 29, 2010.

**THE HEARING TO CONSIDER CONFIRMATION  
OF THE PLAN AND APPROVAL OF THE DISCLOSURE STATEMENT**

13. Finally, the Debtor respectfully requests that the Court conduct a Confirmation Hearing on the Plan as promptly as possible after March 29, 2010, as the Court's schedule will permit.

WHEREFORE, for all of the foregoing reasons, HBAGC, Inc., respectfully requests that the Court enter an Order in the form of that appended hereto that (a) conditionally approves the Disclosure Statement appended hereto as Exhibit 1, (b) schedules a hearing to consider final approval of the Disclosure Statement and confirmation of the Plan, (c) establishes procedures for soliciting votes on the Plan, and (d) fixes other dates and processes relevant to the confirmation of the Plan.

Respectfully Submitted,

Home Builders Association  
of Greater Chicago

By: /s/ William J. Factor  
One of Its Attorneys

William J. Factor (6205675)  
Sara E. Lorber (6229740)  
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*Counsel for Home Builders Association of Greater Chicago,  
Debtor and Debtor-in-Possession*